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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 M&I BANK, FSB,

11 Plaintiff,

12 v.

13 BRYAN BREY, *et al.*,

14 Defendants.
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Case No. 2:10-CV-00846-KJD-PAL

ORDER

16 On August 19, 2010, Magistrate Judge Peggy A. Leen entered a Report of Findings and
17 Recommendation (#3) recommending that this case be dismissed as a duplicative¹ and malicious
18 lawsuit. Objections to the magistrate judge's order were due no later than September 7, 2010.
19 Though the time for doing so has passed, Plaintiff has failed to file objections even given extra time
20 to account for mailing. The Court has conducted a *de novo* review of the record in this case in
21 accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the Report of Findings
22 and Recommendation (#3) of the United States Magistrate Judge entered August 19, 2010, should
23 be adopted and affirmed.
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26 ¹On May 14, 2010, Brey also removed this identical action from the Justice Court for Las Vegas Township,
Clark County, Nevada. That action became Case No. 2:10-CV-00702-PMP-PAL. Judge Pro entered an order remanding
that action on May 18, 2010. On June 4, 2010, Brey again removed the action from Justice Court.

1 IT IS THEREFORE ORDERED that the Report of Findings and Recommendation (#3) of the
2 United States Magistrate Judge entered August 19, 2010, is **ADOPTED** and **AFFIRMED**;

3 IT IS FURTHER ORDERED that this action is **REMANDED as a duplicative and**
4 **malicious removal pursuant to 28 U.S.C. § 1915.**

5 DATED this 13th day of September 2010.

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9 Kent J. Dawson
10 United States District Judge
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